

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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IN RE: PHARMACEUTICAL INDUSTRY :  
AVERAGE WHOLESALE PRICE :  
LITIGATION : MDL No. 1456  
:  
: Civ. No. 01-CV-12257 PBS  
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THIS DOCUMENT RELATES TO PROPOSED :  
NATIONWIDE CLASSES 2 AND 3 AS TO :  
BMS AND ASTRAZENECA :  
:  
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**ASTRAZENECA PHARMACEUTICAL LP'S AND BRISTOL-MYERS SQUIBB  
COMPANY'S MOTION FOR LEAVE TO FILE THE ATTACHED REPLY  
IN SUPPORT OF MOTION TO STAY ENTRY OF MULTISTATE CLASS  
CERTIFICATION ORDER AND IN SUPPORT OF  
OBJECTIONS TO THE PROPOSED ORDER**

Defendants AstraZeneca Pharmaceuticals LP and Bristol-Myers Squibb Company  
("BMS") hereby seek leave to file the reply brief attached hereto as Exhibit 1 in support of (1)  
Joint Motion by AstraZeneca Pharmaceuticals LP and Bristol-Myers Squibb Company to Stay  
Entry of Multistate Class Certification Order Pending Appeal of Massachusetts Class Judgment  
(ECF No. 5700) and (2) defendants' objections to plaintiffs' proposed class certification order  
(ECF Nos. 5705, 5709). The attached joint reply responds to plaintiffs' arguments and corrects  
their factual assertions. AstraZeneca and BMS respectfully submit that this short reply will  
assist the Court in resolving these pending matters.

Wherefore, AstraZeneca and BMS respectfully request that this Motion for Leave to File Exhibit 1 be GRANTED.

Dated: December 9, 2008

Respectfully submitted,

/s/ Jennifer M. Ryan

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**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

I certify that I conferred in good faith with counsel for Plaintiffs pursuant to L.R. 7.1 prior to filing this motion but was unable to resolve or narrow the issue.

/s/ Sarah Cooleybeck

Sarah Cooleybeck (BBO #631161)

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was delivered on December 9, 2008 to counsel for plaintiffs and to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, via LexisNexis File & Serve.

/s/ Sarah Cooleybeck

Sarah Cooleybeck (BBO #631161)